

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA GENERAL ENERGY)	
COMPANY, LLC,)	
)	Civil Action No. 14-cv-209 ERIE
Plaintiff)	
v.)	Magistrate Judge Susan Paradise Baxter
)	
GRANT TOWNSHIP,)	
)	
Defendant.)	
)	
)	

STIPULATION AND ORDER EXONERATING BOND AND SURETY

WHEREAS, an Opinion and Order imposing sanctions against Thomas A. Linzey and Elizabeth Dunne was entered by the United States District Court for the Western District of Pennsylvania on January 5, 2018. (Doc. 290).

WHEREAS, a Memorandum Opinion and Order disposing of all remaining issues between the parties was entered on April 1, 2019. (Doc. 335 & 336).

WHEREAS, Thomas A. Linzey and Elizabeth Dunne filed an appeal to the United States Court of Appeals for the Third Circuit on April 26, 2019. (Notice of Appeal, Doc. 345).

WHEREAS, a Supersedeas Bond was issued by surety International Fidelity Insurance Company, Bond No. 0759691, and posted on behalf of and for the benefit of Thomas A. Linzey and Elizabeth Dunne, in the total amount of \$56,000.00 to the United States District Court Clerk, in conjunction with their appeal and in accordance with this Court's Order of April 25, 2019 (Order, Doc. 344). A Notice of Bond was filed with the District Court. (Dkt. 348). The original bond remains with the Clerk of the District Court at this time.

WHEREAS, Thomas A. Linzey, Elizabeth Dunne and all parties participated in the Third Circuit's Mediation program, amicably resolving the claims of all parties and resulting in the withdrawal of all appeals and the discontinuance of all appellate proceedings with prejudice.

WHEREAS, Pennsylvania General Energy Company, LLC (PGE) acknowledges that the Order entered on January 5, 2018 (Docs. 290) has been satisfied in full and requests that the Court release Bond No. 0759691 in the sum of \$56,000.00.

THEREFORE, THE COURT FINDS that the Order of Sanctions entered herein on January 5, 2018 has been satisfied in full.

IT IS HEREBY ORDERED that the bond issued by surety International Fidelity Insurance Company, Bond No. 0759691, and posted on April 30, 2019, in the sum of \$56,000.00 and the compensated surety, International Fidelity Insurance Company, the Community Environmental Legal Defense Fund, Thomas A. Linzey and Elizabeth Dunne are exonerated and discharged from further liability forthwith.

IT IS SO ORDERED:

DATED: _____, 2019

Respectfully submitted,

/s/Bethann R. Lloyd

BETHANN R. LLOYD, ESQUIRE

PA I.D. # 77385

WEINHEIMER HABER & COCO, P.C.

429 Fourth Ave. Suite 602

Pittsburgh, PA 15219

E-mail: brl@whc-pc.com

(412) 765-3399

Counsel for Thomas A. Linzey and Elizabeth Dunne

/s/ James V. Corbelli

James V. Corbelli, Esquire

PA I.D. # 56671

Babst, Calland, Clements & Zomnir, P.C.

Two Gateway Center, 6th Floor

Pittsburgh, PA 15222

jcorbelli@babstcalland.com

(412) 394-5400

Counsel for Pennsylvania General Energy